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**SUBJECT:** General Assistance for Recovery Residences  
**TO:** Municipalities providing General Assistance  
**DATE:** January 31, 2020

Dear Municipal Officer:

This memorandum is intended to provide guidance regarding the Department of Health and Human Services' policy for General Assistance payments for any applicant residing in a recovery residence.

**"Recovery Residence"**

A recovery residence, less formally called a "sober house," is a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs, and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder (M.R.S. 5, §20003, sub-§19-D).

Recovery residence certification, based on the National Alliance of Recovery Residences quality standards and code of ethics, is available through the Maine Association of Recovery Residences (MARR) however, certification of a recovery residence is voluntary (M.R.S. 5, §20005, sub-§22). General Assistance Administrators may request that any landlord wishing to receive regular rental payments from the municipality on behalf of applicants in a recovery residence, who have not obtained certification by MARR, make a good faith effort to request certification through MARR or, at a minimum, report their recovery residence to the register maintained by MARR, as a condition of that landlord receiving future general assistance payments on behalf of his or her recovery residence tenants. It is important to note that there is no penalty to a recovery residence that reports its presence to MARR and is not certified through MARR, but rather that MARR maintains a report of all known recovery residences in Maine for the purposes of tracking and assisting persons recovering from substance abuse.

**Determining Whether the Residence is a Shared Dwelling Unit**

When processing an application for assistance for any individual residing in a recovery residence, the Administrator must determine whether the household has a single dwelling unit or a shared dwelling unit. "Household" means an individual or a group of individuals who share a dwelling unit (M.R.S. 22, §4301, (2)). "Dwelling unit" means a building or part thereof used for separate living quarters for one or more persons living as a single housekeeping unit (M.R.S. 22, §4301 (6)). "Separate Living Quarters" are living quarters in which the occupants do not live and eat with any other persons in the structure and which have either direct access from the outside of the building or through a common hall or complete kitchen facilities for the exclusive use of the occupants." (10 CFR 440.3, Title 10 Energy; Chapter II Department of Energy;

Subchapter D Energy Conservation; Part 440 Weatherization Assistance for Low-Income Persons).

Any recovery residence that does not have separate living quarters, including space where the occupant does not live or eat with any other person in the building, is deemed to be a shared dwelling unit.

**Payments for Recovery Residences with Shared Dwelling Units**

The "household" in a recovery residence may have a shared dwelling unit that consists of multiple unrelated individuals, some of whom may request GA, and some who may not. Unlike other shared dwelling units, most individuals who are sharing a dwelling unit in a recovery residence are not pooling income, and the municipality may reasonably presume that there does not exist a legal liability between non-relative residents living within the same recovery residence (M.R.S. 22, §4301, (12-A)).

When an applicant shares a dwelling unit with one or more individuals, even when a landlord tenant relationship may exist between individuals residing in the dwelling unit, eligible applicants may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established in the municipal ordinance (M.R.S. 22, §4301).

In summary, upon receipt of an application for General Assistance for any applicant living in a recovery residence, the Administrator may request from the landlord verification of certification or notice of presence of a recovery residence to MARR. The Administrator must determine if the residence is a shared dwelling unit and may reasonably presume that residents of the recovery residence are not pooling income. Payments to a landlord of a recovery residence should be made in accordance to General Assistance policy for pro-rata share as outlined in M.R.S. 22, §4301 (6).

If you have questions concerning the eligibility of an applicant, please do not hesitate to contact the General Assistance Hotline at 1-800-442-6003.

Thank you,



1/31/2020

Sara Russell, General Assistance Program Manager  
Maine Department of Health and Human Services